



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,538	05/21/2001	Teddy Christian Johnson	10005473	1212

7590 05/18/2005
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

LIM, KRISNA

ART UNIT	PAPER NUMBER
----------	--------------

2153

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/862,538

Applicant(s)

JOHNSON, TEDDY CHRISTIAN

Examiner

Krisna Lim

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. Claims 1-17 are still presented for examination.

Applicant's arguments filed on 12/15/05 have been fully considered and are persuasive. The previous office action by Examiner Brancolini has been withdrawn, and the new office action is issued.

2. Claims 1-2 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) in claim 1, lines 2-3, it is unclear where the request from a Web client is received. It is unclear how the customer ID information is associated with the spawned program element.

3. It is requested that a future correspondence from applicants have line numbering for the recitation of claims, if possible, as this will aid in the future correspondence from the examiner.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-6 and 11-16 are rejected under 35 U.S.C. §102(e) as being anticipated by Zenner [U.S. Patent No. 6,718,330].

6. Zenner discloses (e.g., see Figs. 1-4) the invention substantially as claimed.

Taking claims 1 and 11 as an exemplary claims, the reference discloses a system and a

Art Unit: 2153

method for providing Web services (distributing or assigning on-line client requests to Internet service agents) comprising the steps of:

- a) receiving a request from a Web client process wherein said request includes customer ID information (e.g., see col. 2 (line 64), col. 4 (lines 44-46), col. 5 (lines 52-55), col. 6 (lines 7-11), 304-308 of Fig. 3);
- b) spawning a program element (agent workstations of Fig. 2, number of available agents at a given time (col. 6)) operable on a computing node to process said request (e.g., see Fig. 2, col. 5 (line 51) to col. 6 (line 64));
- c) associating said customer ID information (characteristics of the request, col. 6 (line 28), cols. 6-7) with the spawned program (agents); and
- d) allocating (assigning or reassigning) computing resources (agents) of said computer node (Figs. 1 and 2) to the spawned program element in accordance with the customer ID information associated with said customer ID information associated with request (e.g., see col. 1 (lines 43-45), col. 2 (lines 34-36) col. 4 (lines 44-46), col. 5 (lines 52-55), cols. 6-7 and 9).

7. As to claims 2 and 12, Zenner discloses a system and the steps of allocating a minimum level of resource (experience level of an agent, the length of time as an agent) to the spawned program element in accordance with said customer ID information (e.g., see Fig. 4, cols. 6 and 9).
8. As to claims 3 and 13, Zenner discloses a system and the steps of allocating a maximum level of resource (agent that can process high priority request and complete the request quick, etc.) to the spawned program element in accordance with said customer ID information (e.g., see Fig. 4, cols. 6 and 9).
9. As to claims 4 and 14, Zenner discloses that the customer ID information is encoded (program code) in a process name of each said spawned program (e.g., see col. 5, lines 35-38).

10. As to claims 5 and 15, Zenner discloses that the computing resources that include processor time utilization (e.g., see 5 minutes or low minutes of Fig. 4, time the agent has spent servicing the request at col. 6, line 66).

11. As to claims 6 and 16, Zenner discloses that the computing resources that includes main memory utilization (e.g., see col. 1 (line 50), col. 4 (lines 16-18, 50).

12. The following is a quotation of 35 U.S.C. § 103(a) that forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 7-10 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Zenner [U.S. Patent No. 6,718,330] in view of Cherkasova et al [U.S. Patent No. 6,865,601].

As to claims 8-10, while Zenner discloses a system and a method for providing Web services (distributing or assigning on-line client requests to Internet service agents) as discussed in paragraphs 6-13 above, Zenner does not explicitly mention that his Internet automatic work distribution comprising a server node and a plurality of server child. Such a server node and a plurality of server child are clearly taught by Cherkasova et al (e.g., see the abstract, col. 1 (line 48) to col. 2 (line 51), col. 4 (line 25) to col. 5 (line 6). As suggested by Cherkasova (e.g., see col. 2 (lines 52-56)), the equally distributed workload for a web server would have been a desirable feature in the art. Moreover, both of these two references are directed to the distributing of workload in the computer network. Thus, it would have been obvious to one of ordinary skill in the art to combine the teaching of Cherkasova into Zenner system in order to receive the Internet workload distributor that can distribute equally the workload among the servers.

Art Unit: 2153

14. As to the claims 7 and 17, while Zenner a network link between LAN 122 and Interne 128t, and between LAN 122 and the computer system 100, Zenner does not explicitly mention the bandwidth utilization. However, it would have been obvious to one of ordinary skill in the art to recognize that the some kind of bandwidth either small bandwidth or large bandwidth would have been obviously used in order to transmit information between LAN and the Internet, and between LAN and the computer system

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references are cited in the Form PTO-892 for the applicant's review.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

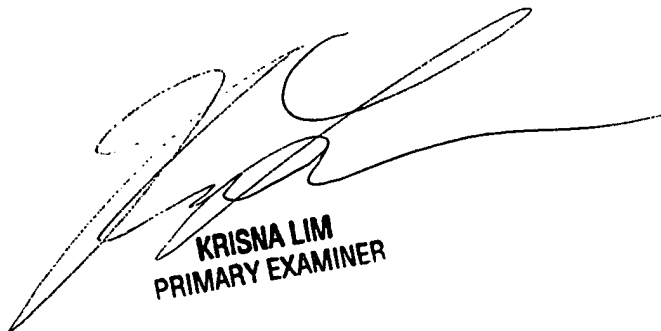
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Wednesday and Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

May 14, 2005



KRISNA LIM
PRIMARY EXAMINER